

Quinn, Robert E

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**From:** Quinn, Robert E  
**Sent:** Monday, November 02, 2020 11:06 AM  
**To:** 'Claudia Wilner'  
**Cc:** Darius Charney; Chinyere Ezie; jjoachim@cov.com; Britney Wilson  
**Subject:** RE: BLRR v. COB - Erie Crime Analysis Center

I'll look into it and respond. Thanks.

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**From:** Claudia Wilner [mailto:wilner@nclej.org]  
**Sent:** Monday, November 02, 2020 11:00 AM  
**To:** Quinn, Robert E <rquinn@ch.ci.buffalo.ny.us>  
**Cc:** Darius Charney <dcharney@ccrjustice.org>; Chinyere Ezie <cezie@ccrjustice.org>; jjoachim@cov.com; Britney Wilson <wilson@nclej.org>  
**Subject:** BLRR v. COB - Erie Crime Analysis Center

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Rob, attached is a letter we received from James Giammaresi, Director of the Erie Crime Analysis Center, in response to the subpoena we served on that agency on September 24.

The letter directly relates to our pending motion to compel, particularly RFP 88, which seeks "crime data, hot spot mapping, daily reports, trends and pattern data concerning the City generated by the Erie Crime Analysis Center." In his letter, Mr. Giammaresi asserts that the City has possession, custody and control over all documents ECAC generated on the City's behalf. In particular, Mr. Giammaresi stated that "all our materials are housed on the Buffalo Police Department email system and computer network" and "the City of Buffalo can provide you with any information submitted by the Erie Crime Analysis Center it deems appropriately responsive." ECAC has therefore confirmed that Defendants are in possession of documents responsive to RFP 88. Please produce these documents immediately.

Thank you.



**Claudia Wilner**

Co-Director of Litigation and Advocacy (pronouns she/her)  
National Center for Law and Economic Justice  
275 Seventh Avenue, Suite 1506, New York, NY 10001-6860

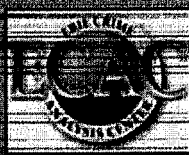
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## Erie Crime Analysis Center



October 9, 2020

National Center for Law and Economic Justice  
275 Seventh Avenue,  
Suite 1506  
New York, New York 10001  
Attn: Claudia Wilner, Esq.

Dear Ms. Wilner:

We're in receipt of the Subpoena, Civil Action No. 1:18-cv-719 dated September 24, regarding Black Love Resists in the Rust, et al against the City of Buffalo, et al. and received by the Erie Crime Analysis Center on September 25, 2020. I do not know how the subpoena was delivered to us. We are not a party to this litigation. As a preliminary matter, the ECAC had no connection to any decisions or implementation of traffic checkpoints conducted by the Buffalo Police Department.

With respect to the materials demanded by the subpoena, anything that the CAC may have created or prepared was on behalf of a requesting agency, in this case the Buffalo Police Department, and was sent to it with the understanding that it is the Buffalo Police Department's record and product. Any data that the CAC accesses belongs to the partner agency, but not the CAC. In any event, we are unable to produce all of the information requested as all our materials are housed by the Buffalo Police Department email system and computer network; we do not have administrative rights to that system. The City of Buffalo can provide you with any information submitted by the Erie Crime Analysis Center it deems appropriately responsive. Even if we were able to access the records, the subpoena is so broad that it is impossible to answer. It would take an enormously futile effort to find, review and produce over seven years of periodic reports, daily reports, documents, data and maps. Indeed, I am not sure that the Buffalo Police Department maintains data from over seven years ago.

Additionally, with respect to the information requested in the subpoena, again, while the Erie Crime Analysis Center may have the ability to access the information, the information is not owned or maintained by The Erie Crime Analysis Center. For instance, while we may have the ability to access confidential criminal history records, such records are owned and maintained by The New York State Division of Criminal Justice Services, and one would need to seek the information and records from them. CJIS Security Policy and our use and dissemination agreements prohibit us from secondary dissemination of such information or data. Additionally, the law enforcement privilege attached to many of your requests will cause BPD to deny it.



## Eric Crime Analysis Center



Very truly yours,

A handwritten signature in cursive script, reading "James Giammaresi", is positioned above the typed name.

James Giammaresi

Director, Eric Crime Analysis Center

68 Court Street

Buffalo, New York 14202

Phone 716-851-4452